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6 IN THE UNITED STATES DISTRICT COURT  
7  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9

10 JOHN FREITAS,

No. C 19-03347 WHA

11 Plaintiff,

12 v.

**ORDER DENYING APPLICATION  
FOR TEMPORARY  
RESTRAINING ORDER**

13 BANK OF AMERICA N.A. and DOES  
14 1-60,

15 Defendants.  
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17 In July 2018, *pro se* plaintiff, John Freitas commenced an action naming twelve  
18 defendants, including Bank of America, N.A. (Case No. 18-cv-03993 WHA, Dkt. No. 1).  
19 Plaintiff's claims included: (1) unfair and deceptive consumer practices with respect to loan  
20 servicing, foreclosure processing, and loan origination; (2) violation of the Financial Institutions  
21 Reform, Recovery and Enforcement Act of 1989; (3) declaratory judgment; (4) bankruptcy  
22 misconduct; (5) quiet title; (6) slander of title; (7) conspiracy to slander title; (8) violation of  
23 Section 2923.5 of the California Civil Code; and (9) violation of Section 17200 of the  
24 California Business and Professions Code. Also in July 2018, plaintiff filed an application for a  
25 temporary restraining order to halt the foreclosure of his residence. The temporary restraining  
26 order was denied. The case was ultimately dismissed for a failure to prosecute (*id.* at Dkt. Nos.  
27 1, 2, 21, 30).  
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1 Plaintiff, again proceeding *pro se*, has now commenced the instant action against Bank  
2 of America, and has again filed a motion for a temporary restraining order following the  
3 foreclosure sale of the same property (Dkt. Nos. 1, 2).

4 A plaintiff seeking provisional relief must show that he is likely to succeed on the  
5 merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the  
6 balance of equities tips in his favor, and that an injunction is in the public interest. *Winter*  
7 *v. Nat'l Res. Def. Council*, 555 U.S. 7, 20 (2008). Plaintiff raises essentially the same  
8 arguments in the instant motion for a temporary restraining order as he did in the now-dismissed  
9 case. Plaintiff has not demonstrated a likelihood of success on the merits for the same reasons  
10 stated in the July 2018 order denying plaintiff's request for a temporary restraining order.  
11 Plaintiff has also not shown that he is likely to suffer irreparable harm as the foreclosure sale  
12 has already occurred.

13 The instant motion for temporary restraining order is **DENIED**. No hearing will be held.  
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16 **IT IS SO ORDERED.**  
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18 Dated: June 18, 2019.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE